The Honorable Richard A. Jones 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 GETTY IMAGES, INC., a Delaware corporation, NO. 2:16-cv-01892-RAJ 10 Plaintiff, **DEFENDANT'S ANSWER AND** 11 AFFIRMATIVE DEFENSES 12 v. 13 ROXANNE MOTAMEDI, an individual, 14 Defendant. 15 16 Defendant Roxanne Motamedi ("Motamedi") by her attorneys Savitt, Bruce & Willey 17 LLP and Balestriere Fariello, for her answer to the complaint (the "Complaint," dated 18 December 12, 2016, Dkt. No. 1) of Getty Images, Inc. ("Plaintiff") states as follows: 19 **GENERAL DENIAL** 20 Except as expressly admitted, Defendant denies each and every allegation in Plaintiff's 21 Complaint. 22 RESPONSES TO ALLEGATIONS IN THE COMPLAINT 23 I. **PARTIES** 24 Defendant admits the allegations set forth in paragraph 1.1 of the Complaint. 1.1 25 1.2 Defendant admits the allegations set forth in paragraph 1.2 of the Complaint. 26 27 DEFENDANT'S ANSWER AND AFFIRMATIVE SAVITT BRUCE & WILLEY LLP **DEFENSES - 1** 1425 Fourth Avenue Suite 800 No. 2:16-cv-01892-RAJ Seattle, Washington 98101-2272

(206) 749-0500

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DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES - 2

No. 2:16-cv-01892-RAJ

II. <u>JURISDICTION AND VENUE</u>

- 2.1 Defendant neither admits nor denies the allegations set forth in paragraph 2.1 of the Complaint, as they set forth legal conclusions.
- 2.2 Defendant neither admits nor denies the allegations set forth in paragraph 2.2 of the Complaint, as they set forth legal conclusions.
- 2.3 Defendant neither admits nor denies the allegations set forth in paragraph 2.3 of the Complaint, as they set forth legal conclusions.
- 2.4 Defendant neither admits nor denies the allegations set forth in paragraph 2.4 of the Complaint, as they set forth legal conclusions. Moreover, the document referred to in paragraph 2.4 speaks for itself.
- 2.5 Defendant neither admits nor denies the allegations set forth in paragraph 2.5 of the Complaint, as they set forth legal conclusions. Moreover, the document referred to in paragraph 2.5 speaks for itself.

III. FACTUAL ALLEGATIONS

- 3.1 Defendant admits the allegations set forth in paragraph 3.1 of the Complaint.
- 3.2 Defendant denies that she misappropriated any of Plaintiff's trade secrets or confidential information. Defendant otherwise admits the allegations set forth in paragraph 3.2 of the Complaint.
 - 3.3 Defendant admits the allegations set forth in paragraph 3.3 of the Complaint.
 - 3.4 Defendant denies the allegations set forth in paragraph 3.4 of the Complaint.
- 3.5 Defendant denies having the knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 3.5 of the Complaint, and therefore denies the allegations.
 - 3.6 Defendant admits the allegations set forth in paragraph 3.6 of the Complaint.
- 3.7 Defendant denies having the knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 3.7 of the Complaint, and therefore denies the allegations.

1	3.8	Defendant denies the allegations set forth in paragraph 3.8 of the Complaint
2	except that sh	e admits the reason for her resignation.
3	3.9	Defendant denies the allegations set forth in paragraph 3.9 of the Complaint.
4	3.10	Defendant denies the allegations set forth in paragraph 3.10 of the Complaint.
5	3.11	Defendant denies the allegations set forth in paragraph 3.11 of the Complaint.
6	3.12	Defendant denies the allegations set forth in paragraph 3.12 of the Complaint.
7	3.13	Defendant denies the allegations set forth in paragraph 3.13 of the Complaint.
8	3.14	Defendant denies the allegations set forth in paragraph 3.14 of the Complaint.
9		IV. FIRST CAUSE OF ACTION
10		Breach of Contract
11	4.1	Defendant repeats and realleges the responses contained in paragraphs 1 through
12	3.14 of this A	nswer as if fully set forth herein.
13	4.2	Defendant neither admits nor denies the allegations set forth in paragraph 4.2 or
14	the Complain	t, as they set forth legal conclusions and the document referenced in paragraph 4.2
15	speaks for its	elf.
16	4.3	Defendant admits the allegations set forth in paragraph 4.3 of the Complaint.
17	4.4	Defendant denies the allegations set forth in paragraph 4.4 of the Complaint.
18	4.5	Defendant denies the allegations set forth in paragraph 4.5 of the Complaint.
19		V. <u>SECOND CAUSE OF ACTION</u>
20	<u>Violatio</u>	n of Economic Espionage Act, as Amended by Defend Trade Secrets Act
21	5.1	Defendant repeats and realleges the responses contained in paragraphs through
22	4.5 of this An	swer as if fully set forth herein.
23	5.2	Defendant denies the allegations set forth in paragraph 5.2 of the Complaint.
24	5.3	Defendant denies the allegations set forth in paragraph 5.3 of the Complaint.
25	5.4	Defendant denies the allegations set forth in paragraph 5.4 of the Complaint.
26	5.5	Defendant denies the allegations set forth in paragraph 5.5 of the Complaint.
27	5.6	Defendant denies the allegations set forth in paragraph 5.6 of the Complaint.
	DEFENDANT'S DEFENSES - 3 No. 2:16-cv-018	S ANSWER AND AFFIRMATIVE SAVITT BRUCE & WILLEY LLP 1425 Fourth Avenue Suite 800 92-RAJ Seattle, Washington 98101-2272 (206) 749-0500

VI. THIRD CAUSE OF ACTION

2		Misappropriation of Trade Secrets Under the UTSA
3	6.1	Defendant repeats and realleges the responses contained in paragraphs 1 through
4	5.6 of this A	nswer as if fully set forth herein.
5	6.2	Defendant denies the allegations set forth in paragraph 6.2 of the Complaint.
6	6.3	Defendant denies the allegations set forth in paragraph 6.3 of the Complaint.
7	6.4	Defendant denies the allegations set forth in paragraph 6.4 of the Complaint.
8	6.5	Defendant denies the allegations set forth in paragraph 6.5 of the Complaint.
9	6.6	Defendant denies the allegations set forth in paragraph 6.6 of the Complaint.
10		VII. FOURTH CAUSE OF ACTION
11		Common Law Unfair Competition
12	7.1	Defendant repeats and realleges the responses contained in paragraphs 1 through
13	6.6 of this A	nswer as if fully set forth herein.
14	7.2	Defendant admits the allegations set forth in paragraph 7.2 of the Complaint.
15	7.3	Defendant denies the allegations set forth in paragraph 7.3 of the Complaint.
16	7.4	Defendant denies the allegations set forth in paragraph 7.4 of the Complaint.
17		VIII. FIFTH CAUSE OF ACTION
18		Conversion and/or Trespass of Chattel
19	8.1	Defendant repeats and realleges the responses contained in paragraphs 1 through
20	7.4 of this A	nswer as if fully set forth herein.
21	8.2	Defendant denies the allegations set forth in paragraph 8.2 of the Complaint.
22	8.3	Defendant denies the allegations set forth in paragraph 8.3 of the Complaint.
23		IX. <u>SIXTH CAUSE OF ACTION</u>
24		Unjust Enrichment
25	9.1	Defendant repeats and realleges the responses contained in paragraphs 1 through
26	8.3 of this A	nswer as if fully set forth herein.
27	9.2	Defendant denies the allegations set forth in paragraph 9.2 of the Complaint.
	DEFENDANT DEFENSES - 4 No. 2:16-cv-01	S ANSWER AND AFFIRMATIVE SAVITT BRUCE & WILLEY LLP 1425 Fourth Avenue Suite 800 Seattle, Washington 98101-2272 (206) 749-0500

9.3 Defendant denies the allegations set forth in paragraph 9.3 of the Complaint. X. SEVENTH CAUSE OF ACTION 2 **Tortious Interference** 3 10.1 Defendant repeats and realleges the responses contained in paragraphs 1 through 4 9.3 of this Answer as if fully set forth herein. 5 10.2 Defendant admits the allegations set forth in paragraph 10.2 of the Complaint. 6 10.3 Defendant admits the allegations set forth in paragraph 10.3 of the Complaint. 7 10.4 Defendant denies the allegations set forth in paragraph 10.4 of the Complaint. 8 9 10.5 Defendant denies the allegations set forth in paragraph 10.5 of the Complaint. XI. **EIGHTH CAUSE OF ACTION** 10 **Breach of Fiduciary Duty and Duty of Loyalty** 11 11.1 Defendant repeats and realleges the responses contained in paragraphs 1 through 12 10.5 of this Answer as if fully set forth herein. 13 11.2 Defendant neither admits nor denies the allegations set forth in paragraph 11.2 14 of the Complaint, as they set forth legal conclusions. 15 11.3 Defendant denies the allegations set forth in paragraph 11.3 of the Complaint. 16 11.4 Defendant denies the allegations set forth in paragraph 11.4 of the Complaint. 17 11.5 Defendant denies the allegations set forth in paragraph 11.5 of the Complaint. 18 11.6 19 Defendant denies the allegations set forth in paragraph 11.6 of the Complaint. XII. **NINTH CAUSE OF ACTION** 20 **Civil Conspiracy** 21 12.1 Defendant repeats and realleges the responses contained in paragraphs 1 through 22 23 11.6 of this Answer as if fully set forth herein. 12.2 Defendant denies the allegations set forth in paragraph 12.2 of the Complaint. 24 12.3 Defendant denies the allegations set forth in paragraph 12.3 of the Complaint. 25 26 27 DEFENDANT'S ANSWER AND AFFIRMATIVE SAVITT BRUCE & WILLEY LLP DEFENSES - 5 1425 Fourth Avenue Suite 800 No. 2:16-cv-01892-RAJ Seattle, Washington 98101-2272

1	XIII. <u>TENTH CAUSE OF ACTION</u>				
2	Accounting				
3	13.1 Defendant repeats and realleges the responses contained in paragraphs 1 through				
4	12.3 of this Answer as if fully set forth herein.				
5	13.2 Defendant denies the allegations set forth in paragraph 13.2 of the Complaint.				
6	REQUEST FOR RELIEF				
7	Defendant denies that Plaintiff is entitled to the relief requested in the Complaint.				
8					
9	FIRST AFFIRMATIVE DEFENSE				
10	(Failure to State a Claim)				
11	The Complaint fails to state facts sufficient to constitute a claim upon which relief				
12	against Defendant can be granted.				
13	SECOND AFFIRMATIVE DEFENSE				
14	(Doctrine of Laches)				
15	Each and every purported claim for relief asserted against Defendant is barred by the				
16	doctrine of laches.				
17	THIRD AFFIRMATIVE DEFENSE				
18	(Doctrine of Unclean Hands)				
19	Each and every purported claim for relief asserted against Defendant is barred by the				
20	doctrine of unclean hands.				
21	FOURTH AFFIRMATIVE DEFENSE				
22	(Statute of Limitations)				
23	Each and every purported claim for relief asserted against Defendant is barred by the				
24	statute of limitations.				
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DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES - 7 No. 2:16-cv-01892-RAJ

FIFTH AFFIRMATIVE DEFENSE

(Right to Assert Additional Defenses)

Defendant has insufficient knowledge or information on which to form a belief as to whether she may have additional as yet unstated defenses available. Defendant reserves the right to assert additional defenses in the event discovery indicates that they would be appropriate.

DATED: January 3, 2017.

SAVITT BRUCE & WILLEY LLP

By: /s/ Duncan E. Manville

Duncan E. Manville, WSBA #30304 Sarah Gohmann Bigelow, WSBA #43634

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CERTFICATE OF SERVICE No. 2:16-cv-01892-RAJ

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was filed electronically with the Court and thus served simultaneously upon all counsel of record, this 3rd day of January, 2017.

Ashlee Hooten

SAVITT BRUCE & WILLEY LLP 1425 Fourth Avenue Suite 800 Seattle, Washington 98101-2272 (206) 749-0500